

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:01CR11

UNITED STATES OF AMERICA

VS.

JOHN MARK JOHNSON

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ORDER

THIS MATTER is before the Court on Defendant's motion for copies of grand jury transcripts and his presentence report and his request for information from the Court regarding the Government's forfeiture of his property confiscated during the investigation of the criminal charges herein. The motion is denied.

First, there is no indication from the court record that the Government has instituted any forfeiture proceedings in this matter. However, on July 11, 2006, the Government filed a motion for permission to destroy a Colt 22 automatic long rifle seized as evidence in this case; the Court allowed the motion by Order filed July 31, 2006. Both documents were served on Defendant's attorney of record; inasmuch as the Defendant may not have

received copies of these documents, the Court will direct the Clerk forward them to the Defendant.

Regarding the Defendant's motion for copies of the grand jury minutes and his presentence report, the Court denied a similar request made in October 2003. **See Order filed October 20, 2003.** For the reasons set forth in that Order and the fact that there are no proceedings involving the Defendant presently before the Court, the motion is denied.

IT IS, THEREFORE, ORDERED that the Defendant's motion for the provision of grand jury transcripts and copies of his presentence report at Government expense is hereby **DENIED**.

The Clerk of Court is directed to provide copies of the Government's motion to destroy evidence filed July 11, 2006, and the Court's Order granting same filed July 31, 2006, to the Defendant.

Signed: January 9, 2007



Lacy H. Thornburg
United States District Judge

